IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 15281 of 2005(T)

PETITIONER:

K.G.PAUL, KADAVILPARAMBIL HOUSE,
MUNDAMVELI, COCHIN-682 005.

BY ADV. SRI.JOSEPH FRANKLIN
SMT.NIMMI FRANKLIN

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE SPL. THASILDAR,
G.C.D.A.(LA), COCHIN-20.

2. THE SECRETARY,
G.C.D.A., COCHIN-20.

BY G.P. SHRI P.K. BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Kurian Joseph & T.R. Ramachandran Nair, JJ.

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W.P.(C) .NO.15281 of 2005-T

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Dated this the 28th day of May, 2007

JUDGMENT

Kurian Joseph, J.

Challenge is on Ext.P3 order passed by the execution court (Principal Sub Judge, Kochi) in E.P.No.73/1998 in L.A.R. No.57/1987. The issue pertains to the appropriation of deposits made by the requisitioning/acquisition authority. In view of the recent decision of the Supreme Court in **Gurpreet Singh v. Union of India** ((2006) 8 SCC 457) the matter requires fresh consideration by the execution court.

Accordingly, we set aside Ext.P3 order and remit the matter to the execution court for fresh consideration in the light of the decision of the Supreme Court referred to above. The application shall be considered afresh and disposed of within a period of four months from the date of receipt of a copy of this judgment.

The writ petition is disposed of in the above terms.

(Kurian Joseph, Judge.)

(T.R. Ramachandran Nair, Judge.)

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